

**ORIGINAL**

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, DC 20554

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SEP 30 2003

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Amendment of Section 73.202(b)	)	
Table of Allotments	)	MB Docket No. _____
FM Broadcast Stations	)	RM - _____
(Tullahoma, Tennessee and New Market,	)	
Alabama)	)	

To: Office of the Secretary  
 Attn: Assistant Chief, Audio Division  
 Media Bureau

**PETITION FOR RULE MAKING**

Tennessee Valley Radio, Inc. ("Tennessee Valley"), licensee of WUSX(FM), Tullahoma, Tennessee, by its counsel, hereby submits this Petition for Rule Making which proposes to delete Channel 227C1 at Tullahoma, Tennessee and allot Channel 227C2 to New Market, Alabama as its first local service. If this Petition is granted, Tennessee Valley will file an application for Channel 227C2 at New Market, and will construct the facilities if its application is granted. The following table summarizes the changes requested in this Petition:

City	Channel	
	Existing	Proposed
Tullahoma, Tennessee	227C1	---
New Market, Alabama	---	227C2

**I. Technical Analysis**

1. As demonstrated in the Technical Exhibit, Channel 227C2 can be allotted to Tullahoma, Tennessee at coordinates 34-51-48 North Latitude, 86-25-38 West Longitude consistent with Section 73.207 of the Commission's Rules with respect to all existing and proposed domestic allotments and facilities. See Exhibit 1. A 70 dBu signal can be provided to

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 Ltr. ACODE  
MB 03-339

New Market from the proposed reference coordinates. *See* Exhibit 2. The relocation of WUSX to New Market will result in a predicted net loss in population of 218,480 persons within the 60 dBu signal from the station. *See* Exhibit 3. However, as will be discussed, this loss of service is outweighed by the public interest benefit of a first local service at New Market under the Commission's allocation priorities. The loss area will continue to be well served by more than 5 aural services. *See* Exhibit 4.

## **II. Change in Community of License**

2. Tennessee Valley desires to change the community of license for Station WUSX from Tullahoma to New Market under the guidelines set forth in *Amendment of the Commission's Rules Regarding Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 3870 (1989), *recons. granted in part*, 5 FCC Rcd 7094 (1990). There, the Commission stated that a station may change its community of license without subjecting the license to other expressions of interest if (1) the proposed allotment is mutually exclusive with the current allotment; (2) the current community of license will not be deprived of its only local service; and (3) the proposed arrangement of allotments is preferred under the Commission's allotment priorities. These criteria are met here. First, the proposed use of Channel 227C2 at New Market is mutually exclusive with the current use of Channel 227C1 at Tullahoma. *See* Exhibit 1. Second, Tullahoma will not be deprived of its only local service because it is currently served by stations WAUT(FM) (Channel 203A), WTML(FM) (Channel 218A) and WJIG(AM) (740 kHz). Third, the provision of a first local service to New Market (2000 U.S. Census population 1,864) under Priority 3 will result in a preferential arrangement of allotments over the retention of four local services at Tullahoma (2000 U.S. Census population

17,994) which serves Priority 4. *See Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88 (1982).

3. New Market is a community deserving of a first local service preference. New Market is a Census-Designated Place (“CDP”) with a 2000 population of 1,864. New Market is not located in an Urbanized Area. The proposed 70 dBu contour of WUSX will cover 82.4% of the Huntsville Urbanized Area. However, this relocation does not implicate the Commission’s policy against migration of stations from rural to urban areas because WUSX, as it is currently sited in Tullahoma, already covers 90.1% of the Huntsville Urbanized Area. *See Dayton, Incline Village and Reno, Nevada*, 15 FCC Rcd 22461 (2000); *St. Maries, Idaho and Spokane, Washington*, 14 FCC Rcd 17012 (1999); *Boulder and Lafayette, Colorado*, 12 FCC Rcd 583 (1997). In *St. Maries, Idaho and Spokane, Washington*, the Commission did not require a *Tuck* showing where a station proposed to change its community of license and increase its coverage over an urbanized area from 60% to 100%. 14 FCC Rcd 17012. In *Dayton, Incline Village and Reno, Nevada*, and *Boulder and Lafayette, Colorado* a *Tuck* showing was not required for increases in coverage over an urbanized area, from 77.1% to 87.7% and from 95% to 100%, respectively. *Dayton, Incline Village and Reno, Nevada*, 15 FCC Rcd 22461; *Boulder and Lafayette, Colorado*, 12 FCC Rcd 583. Here, moving WUSX from Tullahoma to New Market will actually result in a *decrease* in coverage over the Huntsville Urbanized Area from 90.1% to 82.4%. Therefore, a *Tuck* showing is not required.

4. New Market enjoys the attributes that the Commission traditionally associates with a community. New Market is listed in the 2000 U.S. Census and therefore is presumed to have the status of a community for allotment purposes. *See Arnold and Columbia, California*, 7 FCC Rcd 6302 (1992).

5. The U.S. Post Office associates ZIP Code 35761 with New Market and operates an office at 5516 Winchester Road. The New Market Volunteer Fire Department operates two stations in the New Market area and is planning on opening a third station in the near future. The fire department offers fire, rescue, EMS and other emergency services to the New Market community. Further, the fire department is supported financially by the community of New Market and is staffed by members of the New Market Community. *See Exhibit 5.*

6. New Market, located in the Tennessee Valley region, was settled as early as 1806 as a commercial center for the agricultural community. The Sharon Johnston Park, a 250 acre park “reflects the early settlement look of New Market, the pioneering community of Alabama.” New Market is located in Madison County, Alabama and is where the Madison County Commissioner for District One maintains its office. New Market is the home to a number of Madison County governmental offices. For example, the Parks and Recreation Department, the Board of Education, and the Water Department all have offices in New Market. The Madison County School System provides public education for children in New Market in the form of two elementary schools and one high school. New Market Elementary serves grades K-8 and Walnut Grove Elementary serves grades K-6. Buckhorn High School is the public high school for the New Market community. *See Exhibit 5.*

7. There are approximately fifteen (15) churches in New Market, including New Market Presbyterian Church, New Market Baptist Church, New Market Methodist Church, and New Market Holiness Church. Healthcare services are provided by the New Market Clinic, which is a part of Central North Alabama Health Services. The New Market Clinic provides access to comprehensive primary health care for all New Market residents. New Market is home to a variety of businesses. Many of these businesses identify themselves by using “New Market”



in their names, for example: New Market Agri-Equipment, New Market Agri-Chemical, New Market Bar-B-Que, New Market Deli, New Market Restaurant, New Market Food Town, New Market Hair Design, New Market Iron Works, and New Market Nursery. *See* Exhibit 5.

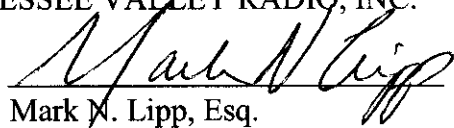
### III. CONCLUSION

For the foregoing reasons the Commission should delete Channel 227C1 at Tullahoma, Tennessee and allot Channel 227C2 at New Market, Alabama as that community's first local service. Tennessee Valley reiterates that if the Commission grants this petition, it will file an application and construct the authorized facilities. The Commission should promptly issue a Notice of Proposed Rule Making as described herein.

Respectfully submitted,

TENNESSEE VALLEY RADIO, INC.

By:

  
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Washington, DC 20004-1008  
(202) 639-6500

Its Counsel

September 30, 2003

**Engineering Statement  
In Support of a  
Proposed Rule Making**

**WUSX, Channel 227C2, New Market, Alabama**

**General**

Tennessee Valley Radio, Inc. ("TVRI"), the licensee of WUSX, channel 227C1 at Tullahoma, Tennessee, seeks to delete channel 227C1 at Tullahoma and allocate channel 227C2 at New Market, Alabama as that community's first local service. Tullahoma will continue to be served by WAUT(FM) (channel 203A), WTML(FM) (channel 218A), and WJIG(AM) (740 kHz). No other spectrum changes are needed in order to effectuate this change.

Currently, WUSX covers 90.1% of the Huntsville, Alabama urbanized area with a city-grade (70 dBu) contour. As a result of the proposed rule making, WUSX will cover 82.4% of the Huntsville urbanized area. Hence, no *Tuck* showing is needed.

**Exhibits Explained**

Exhibit 1 is an allocation study showing that channel 227C2 can be allocated to New Market with no other changes to the spectrum. The allocation site chosen is atop Lewis Mountain, so as to maximize line of sight to New Market and the surrounding area.

Exhibit 2 demonstrates that the proposed allocation site covers 100% of the proposed community of license of New Market, Alabama.

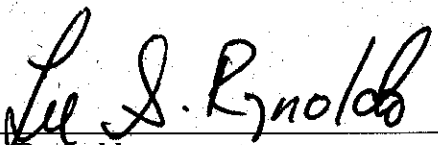
Exhibit 3 is a gain/loss study showing the area affected by the deletion of channel 227C1 at Tullahoma.

Exhibit 4 is a remaining services study for the loss area shown in Exhibit 3. This exhibit plainly shows that all areas inside the loss area will continue to receive at least 5 aural services.

**Conclusion**

New Market, Alabama, a community of 1,864 persons (2000 census), will receive its first local service as a result of this rule making. Tullahoma will continue to be served by three other stations.

For TVRI:

  
\_\_\_\_\_  
Lee S. Reynolds

Reynolds Technical Associates  
12585 Old Highway 280 East, Suite 102  
Chelsea, Alabama 35043  
205.618.2020

**Engineering Statement  
In Support of a**

**Petition for Rule Making  
Channel 227C2 (WUSX), New Market, AL**

**Channel 227C2 Allocation Study**

```

REFERENCE
34 51 48 N
86 25 38 W
CLASS = C2
Current Spacings
Channel 227 - 93.3 MHz
-----
Call      Channel      Location      Dist      Azi      FCC      Margin
-----
Community of New Market      AL      5.15      359.4
Reference Coordinates:
North Latitude: 34-54-35
West Longitude: 86-25-40

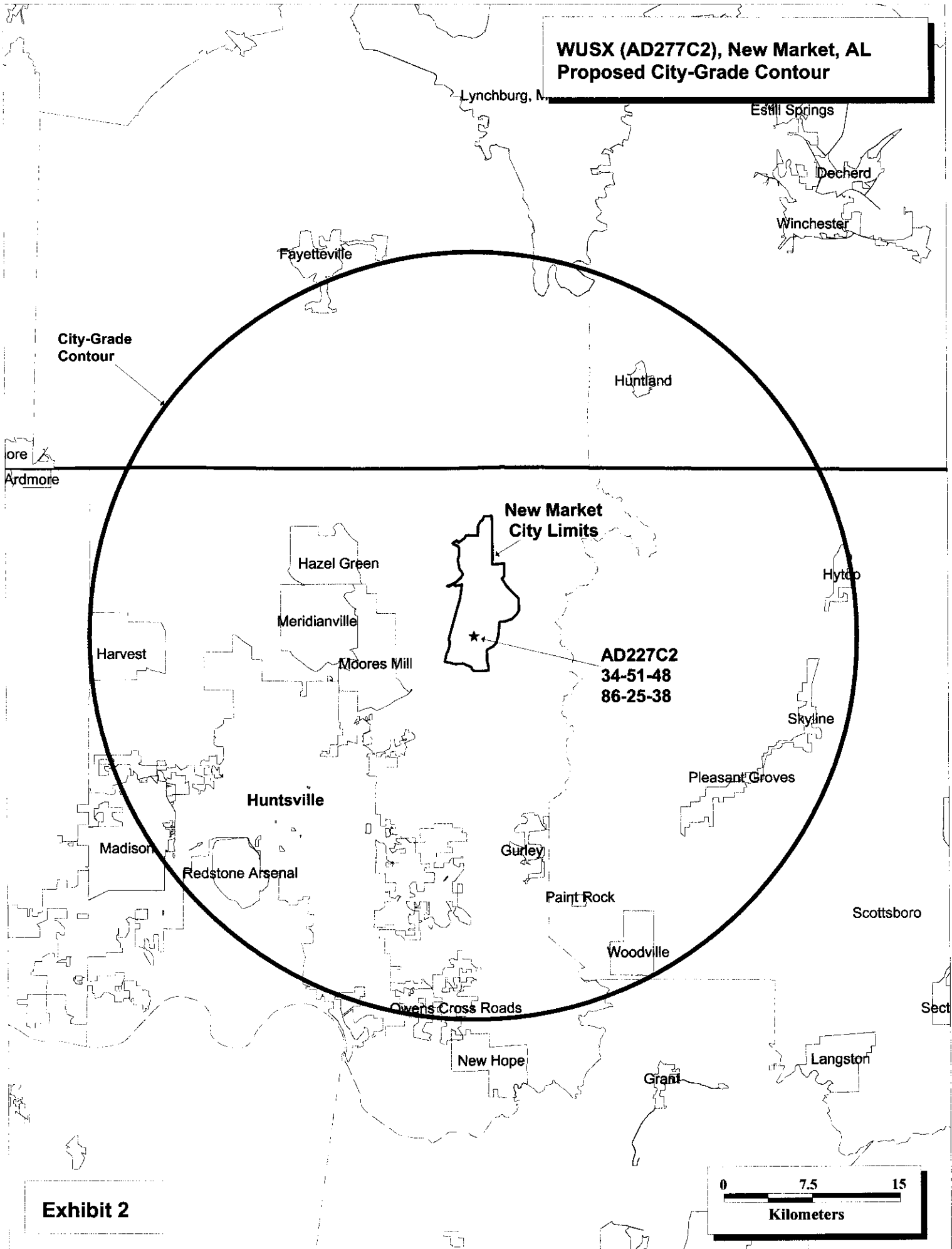
RDEL      DEL      227C1      Madison      AL      19.44      12.4      224.0      -204.56
RDEL      DEL      227C1      Tullahoma      TN      19.44      12.4      224.0      -204.56
WUSX      LIC      227C1      Tullahoma      TN      19.44      12.4      224.0      -204.56
RADD      ADD      227C1      Madison      AL      19.44      12.4      224.0      -204.56
RADD      ADD      227C2      Madison      AL      8.45      251.2      190.0      -181.55

Of no concern:
Coordinates used at various times by WUSX

WAFNFM    CP -N 224A      Arab      AL      56.83      181.3      55.0      1.83
WAFNFM    LIC  224A      Arab      AL      56.86      181.2      55.0      1.86
WGMZ      LIC-N 226A      Glencoe   AL      113.46     152.6     106.0     7.46
WSYE      LIC  227C      Houston   MS      257.08     241.9     249.0     8.08
WVFJFM    LIC  227C1      Manchester GA      249.66     141.8     224.0     25.66
WYTK      LIC-N 230A      Rogersville AL      88.52     270.4     55.0     33.52
WOCE.C    CP  226A      Benton    TN      142.17     79.1     106.0     36.17
WJXA      LIC  225C      Nashville TN      147.88     340.8     105.0     42.88
WOCE      LIC  226A      Benton    TN      152.41     78.2     106.0     46.41
WKWX.C    CP -Z 228C3      Savannah  TN      165.49     287.0     117.0     48.49
-----

```

**WUSX (AD277C2), New Market, AL  
Proposed City-Grade Contour**



Gain Area = 0  
Loss Area = 7,862 sq km  
Pop. Gain = 0  
Pop. Loss = 218,480

WUSX (AD277C2), New Market, AL  
WUSX, Tullahoma, TN  
Gain/Loss Study

LOSS  
AREA

WUSX  
35-02-04  
86-22-52

AD277C2  
34-51-48  
86-25-38

Exhibit 3

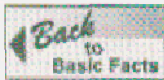
0 15 30  
Kilometers





## U.S. Census Bureau

American FactFinder

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DP-1. Profile of General Demographic Characteristics: 2000  
 Data Set: [Census 2000 Summary File 1 \(SF 1\) 100-Percent Data](#)  
 Geographic Area: **New Market CDP, Alabama**

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see  
<http://factfinder.census.gov/home/en/datatnotes/expsf1u.htm>.

Subject	Number	Percent
<b>Total population</b>	<b>1,864</b>	<b>100.0</b>
<b>SEX AND AGE</b>		
Male	938	50.3
Female	926	49.7
Under 5 years	124	6.7
5 to 9 years	143	7.7
10 to 14 years	148	7.9
15 to 19 years	124	6.7
20 to 24 years	102	5.5
25 to 34 years	279	15.0
35 to 44 years	378	20.3
45 to 54 years	216	11.6
55 to 59 years	83	4.5
60 to 64 years	64	3.4
65 to 74 years	116	6.2
75 to 84 years	54	2.9
85 years and over	33	1.8
Median age (years)	35.3	(X)
18 years and over	1,377	73.9
Male	693	37.2
Female	684	36.7
21 years and over	1,309	70.2
62 years and over	241	12.9
85 years and over	203	10.9
Male	87	4.7
Female	116	6.2
<b>RACE</b>		
One race	1,812	97.2
White	1,625	87.2
Black or African American	117	6.3
American Indian and Alaska Native	42	2.3
Asian	3	0.2
Asian Indian	0	0.0
Chinese	0	0.0
Filipino	2	0.1
Japanese	0	0.0
Korean	1	0.1
Vietnamese	0	0.0
Other Asian <sup>1</sup>	0	0.0
Native Hawaiian and Other Pacific Islander	0	0.0
Native Hawaiian	0	0.0
Guamanian or Chamorro	0	0.0
Samoan	0	0.0
Other Pacific Islander <sup>2</sup>	0	0.0



Subject	Number	Percent
Some other race	25	1.3
Two or more races	52	2.8
<b>Race alone or in combination with one or more other races <sup>a</sup></b>		
White	1,676	89.9
Black or African American	118	6.3
American Indian and Alaska Native	82	4.4
Asian	7	0.4
Native Hawaiian and Other Pacific Islander	0	0.0
Some other race	33	1.8
<b>HISPANIC OR LATINO AND RACE</b>		
<b>Total population</b>	<b>1,864</b>	<b>100.0</b>
Hispanic or Latino (of any race)	66	3.5
Mexican	60	3.2
Puerto Rican	4	0.2
Cuban	0	0.0
Other Hispanic or Latino	2	0.1
Not Hispanic or Latino	1,798	96.5
White alone	1,593	85.5
<b>RELATIONSHIP</b>		
<b>Total population</b>	<b>1,864</b>	<b>100.0</b>
In households	1,846	99.0
Householder	692	37.1
Spouse	427	22.9
Child	587	31.5
Own child under 18 years	450	24.1
Other relatives	80	4.3
Under 18 years	28	1.5
Nonrelatives	60	3.2
Unmarried partner	31	1.7
In group quarters	18	1.0
Institutionalized population	0	0.0
Noninstitutionalized population	18	1.0
<b>HOUSEHOLDS BY TYPE</b>		
<b>Total households</b>	<b>692</b>	<b>100.0</b>
Family households (families)	534	77.2
With own children under 18 years	263	38.0
Married-couple family	427	61.7
With own children under 18 years	212	30.6
Female householder, no husband present	75	10.8
With own children under 18 years	37	5.3
Nonfamily households	158	22.8
Householder living alone	132	19.1
Householder 65 years and over	47	6.8
Households with individuals under 18 years	285	41.2
Households with individuals 65 years and over	151	21.8
Average household size	2.67	(X)
Average family size	3.05	(X)
<b>HOUSING OCCUPANCY</b>		
<b>Total housing units</b>	<b>787</b>	<b>100.0</b>
Occupied housing units	692	87.9
Vacant housing units	95	12.1
For seasonal, recreational, or occasional use	6	0.8
Homeowner vacancy rate (percent)	0.0	(X)
Rental vacancy rate (percent)	6.6	(X)

Subject	Number	Percent
<b>HOUSING TENURE</b>		
Occupied housing units	692	100.0
Owner-occupied housing units	578	83.5
Renter-occupied housing units	114	16.5
Average household size of owner-occupied unit	2.67	(X)
Average household size of renter-occupied unit	2.66	(X)

(X) Not applicable

<sup>1</sup> Other Asian alone, or two or more Asian categories.

<sup>2</sup> Other Pacific Islander alone, or two or more Native Hawaiian and Other Pacific Islander categories.

<sup>3</sup> In combination with one or more other races listed. The six numbers may add to more than the total population and the six percentages may add to more than 100 percent because individuals may report more than one race.

Source: U.S. Census Bureau, Census 2000 Summary File 1, Matrices P1, P3, P4, P8, P9, P12, P13, P17, P18, P19, P20, P23, P27, P28, P33, PCT5, PCT8, PCT11, PCT15, H1, H3, H4, H5, H11, and H12.



U.S. House of Representatives. A ravishing beauty in her youth, Tallulah was known for her uninhibited exuberance, deep sultry voice, and for calling everyone "Dahling." She appeared in 56 plays, 19 movies, and scores of radio and television productions during her 50-year career. She is buried in the churchyard of St. Paul's, Kent County, Maryland.

### **Temple B'nai Sholom**

Huntsville's first Jewish citizens arrived during the 1840's. Congregation B'nai Sholom ("Sons of Peace") was founded July 30, 1876 by 32 families.

They affiliated in 1877 with the Union of American Hebrew Congregations, the Reform Movement. Construction of the Temple began in 1898, and it was dedicated on November 26, 1899. Chairman of the Building Committee was Isaac Schiffman. Architecture is primarily of the Romanesque Revival style, with influences of the Renaissance Revival in the west front gable. The Temple was designed by architect R.H. Hunt of Chattanooga. Extensive restoration was completed in 1994. Temple B'nai Sholom is the oldest synagogue in Alabama in continuous use.

### **The Leroy Pope Mansion, 1814**

During the original Madison County Land Sales of 1809, LeRoy Pope of Petersburg, GA, secured among other purchases a majority of Section 36, Township 3, Range 1 West, the site of the future town of Twickenham, as Huntsville was originally known. Pope created Popular Grove Plantation on this site and erected his home in 1814 in time to entertain Gen. Andrew Jackson on his return from the Battle of Horseshoe Bend. The residence was among the earliest brick structures in Alabama. Inherited by his son, William H. Pope, the mansion was sold in 1848 to Dr. Charles Hays Patton, who commissioned George Steele to add the handsome Classical Revival portico. Nearby during the Civil War, Federal forces built an earthen breastwork to defend the eastern approaches to the city.

### **Town of Gurley**

Located on land owned by John Gurley, pioneer settler, and named for him. His son, Capt. Frank B. Gurley, became a Confederate hero as a member of the 4th Ala. Cavalry.

The settlement that developed around the water tank on Memphis and Charleston R.R. was known as Gurley's Tank.

Post office established in 1866 as Gurleysville and town incorporated as Gurley in 1891.

Madison County High School located here in 1907.

Last hometown of Senator and Mrs. C. C. Clay, Jr.

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### **Town of New Market**

Settled by Pioneers early as 1806

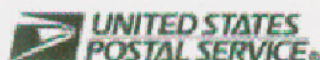
Voting precinct established 1827

Town incorporated 1837

George Smith, major landowner of town site, build first log house and established mercantile business, 1814. John Miller excavated millrace, erected gristmill and sawmill, 1819. William Hayter, first Postmaster, 1827-1839.

Town became a thriving commercial center for a prosperous agricultural community, once known as "The Watereress Capital of the World;" greatly respected for development of religious and educational endeavors, and furnishing political leadership in local and state governments.



[Home](#)

## ► Post Office Locator

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**New Market Main Office**, 5516 Winchester Rd, New Market, AL 35761[Plan Route >](#)**Regular Business Hours:**

Monday 08:00AM-11:30AM

01:00PM-04:00PM

Tuesday 08:00AM-11:30AM

01:00PM-04:00PM

Wednesday 08:00AM-11:30AM

Thursday 08:00AM-11:30AM

01:00PM-04:00PM

Friday 08:00AM-11:30AM

01:00PM-04:00PM

Saturday 08:30AM-10:00AM

**Latest Collection at Post Office:**

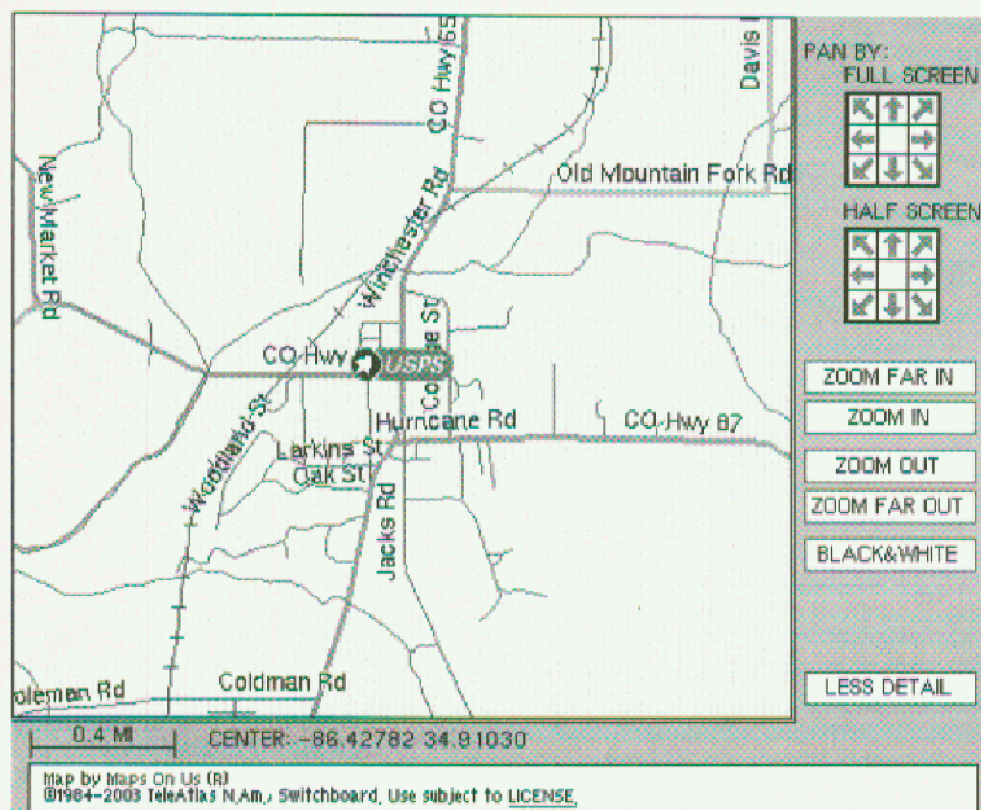
Monday - Saturday 04:00PM

**Phone:** 256-379-2997

For TTY service for the hearing impaired only, 1-877-877-7833.

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(e.g., 600 Mountain Ave, or Mountain Ave &amp; South St, or just Mountain Ave)

City, State

ZIP Code:

(e.g., Murray Hill, NJ 07974, or Murray Hill, NJ, or 07974, or just NJ)

[Plan Route >](#)[Clear](#)

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Business Name

City

State

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City

State

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**Mission Statement**

**Fire Prevention**

**Department History**

**Apparatus**

**Emergency Medical  
Response**

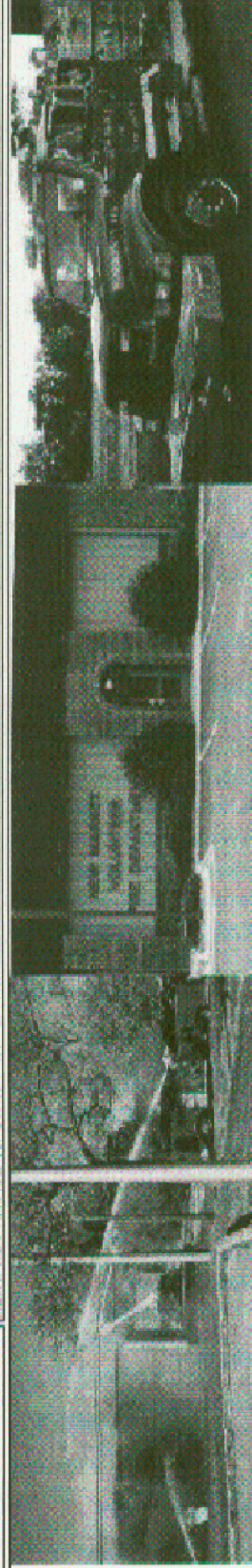
**Bulletin Board**

**MAIN PAGE**

**ELEVATED**

*Homeland Security Threat  
Level*

**0**







### Fire Links

[Madison County Fire Dept. Links](#)

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[New Market Weather Forecast](#)

[Current Alabama Weather Warning](#)

[Huntsville Nexrad](#)

[Huntsville Weather Service](#)

**Chief Wendell Jones**

**Deputy Chief Wells Johnston**



*Engine 315 is the latest addition to our department*

[Fire Station 1](#)

[Fire Station 2](#)

[Fire Station 3](#)

[Firefighter Poems/Prayers](#)

### **Mailing Address**

**New Market Vol. Fire Dept.**

**P.O. Box 370**

**New Market, AL 35761**

**Fax (256) 379-5300**





## *History of New Market Vol. Fire Dept.*

A meeting to discuss the possibility of a volunteer fire department for the New Market Community was held at the New Market Restaurant on September 23, 1973. Another meeting was held on September 30, 1973, for the purpose of organizing and electing officers. Incorporation papers were filed with Probate Judge Myrtle Green on October 9, 1974.

The first truck was obtained early in 1974 from the Alabama State Forestry Commission. Considerable time and money was required to make this an operational unit by June 10, 1974. During this time, efforts had been made to obtain land on which to build a fire station. Perry and Rosa Harned offered to donate a lot on Church Street when the property at the site of the Old Mountain Fork School became available. The school property had an existing building used as a lunchroom that was suitable to convert into a fire station. Although Madison County Commission Chairman James Record thought a decision would be made on March 28, 1975, it took until March 31, 1976 to work out all of the legal problems between the County Commission and the Board of Education for this property. During April and May, work on the old lunchroom building went forward, and on May 18, 1976, the first meeting was held in the building.

On March 22, 1978, a group of members drove to Wilmington, Delaware to purchase a 1951 Ford fire truck, which they drove back to New Market. Once again with some hard work and community support, mechanical expertise, and many hours of time, New Market had its first Fire Pumper.

In May of 1982, an additional fire station was opened in the Plevna Community. New Market Station #2 was built by the people of that community on land donated by Edwin Bates Jr. It houses equipment necessary for the reduction of insurance rates in the northern area of the fire district.

In July of 1992, the community opened a new fire station with a four-bay truck room, a meeting room used for community events, and an office. This facility has enabled the Fire Department to better serve the community in both fire protection, and other emergency needs.

The Madison County Commission has been very supportive of the department. Members of the community have given generously to support the financial needs and the membership has given sacrificially of their time and talent to make this an outstanding Fire Department. Training and proper equipment has always been of prime importance to the department. As of 2003, the New Market Volunteer Fire Department has 2 station's and 8 fire apparatus in front line service and an ISO (Insurance Standards Organization) rating of 5/9.

In 2003 the department purchased a 1998 E-one from the Klien Fire Dept. in Texas, and the Madison County Association of Volunteer Fire Departments bidded out 15 new fire engines. New Market was given one of these new engines. That gives the department 4 front line pumper to serve New Market and it surround community's. There are plans to build another station in the Hurricane Community located

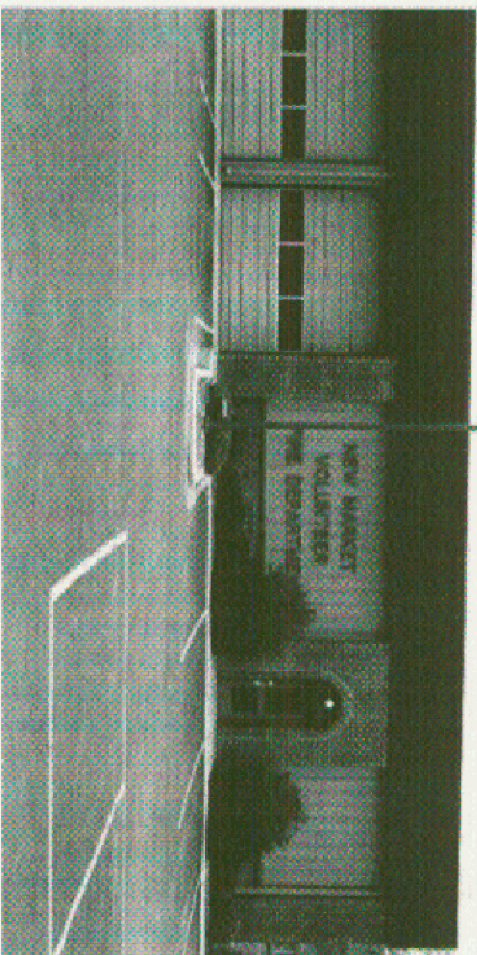


east of New Market in Eastern Madison County.

The Fire Department provides the New Market Community with both fire protection and emergency medical response 24 hours a day, 7 days a week. Its members provide this service for nothing more than "Thank You" .

## STATION #1

146 Jacks Rd

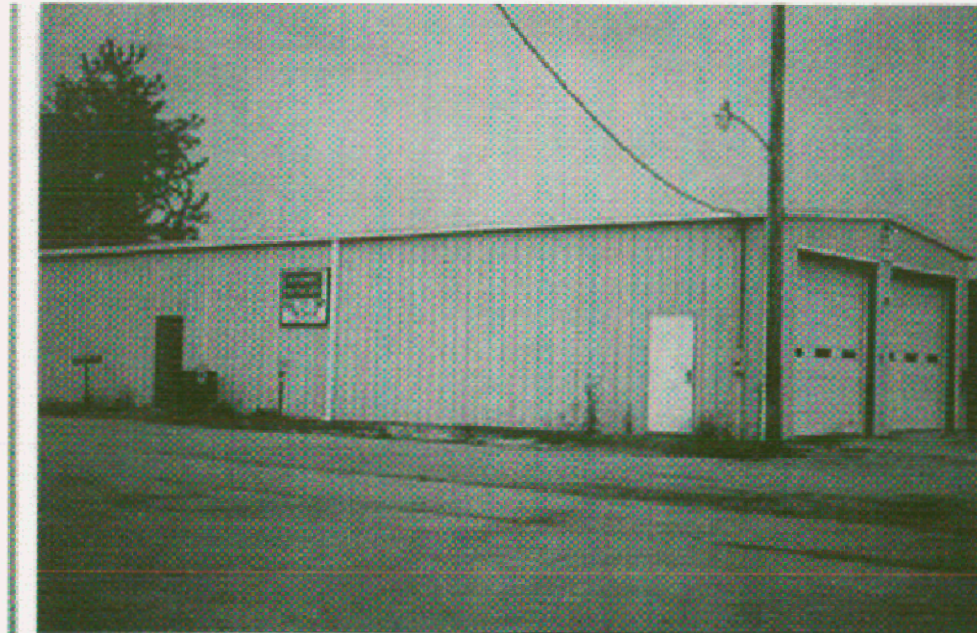


*Station 1 is located 14 miles Northeast of Huntsville, AL and is located in the town of New Market. This building was erected in 1992 it houses 4 trucks.*



## STATION #2

125 Old Winchester Rd



*Station 2 is located in the community of Plevna which is 4 miles Northeast of New Market, AL and 2 miles South of the Alabama/Tennessee State Line. This Station houses 2 trucks.*

## Station 3

There are plans to build a station On Hurricane Road between Sharpes Hollow Rd and Ray Rd. This is to better serve the community in the Hurricane Valley of Eastern Madison County North of County Lake Rd.

Stay tune for more updates

Last update 7-30-2003